

CV, TRDMRK

**U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:09-cv-01010-DWF-JSM
Internal Use Only**

General Mills IP Holdings II, LLC v. Soyiyigit Gida Sanayi
Ve Ticaret Anonim Sirketi et al
Assigned to: Judge Donovan W. Frank
Referred to: Magistrate Judge Janie S. Mayeron
Cause: 15:1051 Trademark Infringement

Date Filed: 04/29/2009
Jury Demand: None
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff**General Mills IP Holdings II, LLC**represented by **Laura J Borst**

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V.

Defendant

**Soyiyigit Gida Sanayi Ve Ticaret
Anonim Sirketi**

Defendant**Soyiyigit Group****Defendant****International Golden Foods, Inc.**

Date Filed	#	Docket Text
04/29/2009	1	COMPLAINT against Soyyigit Gida Sanayi Ve Ticaret Anonim Sirketi, Soyyigit Group, International Golden Foods, Inc. (Filing fee \$ 350 receipt number 40034143) assigned to Judge Donovan W. Frank per Master List and referred to Magistrate Judge Janie S. Mayeron, filed by General Mills IP Holdings II, LLC. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit(s) A - K) (NES) (Entered: 04/29/2009)
04/29/2009		Summons Issued as to Soyyigit Gida Sanayi Ve Ticaret Anonim Sirketi, Soyyigit Group, International Golden Foods, Inc.. (NES) (Entered: 04/29/2009)
04/29/2009		(Court only) *** Copy of complaint sent to the Trademark Office. (NES) (Entered: 04/29/2009)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

GENERAL MILLS IP HOLDINGS II,
LLC,

Plaintiff,

v.

SOYYIGIT GIDA SANAYI VE
TICARET ANONIM SIRKETI,
SOYYIGIT GROUP, and
INTERNATIONAL GOLDEN FOODS,
INC.,

Defendants.

CIVIL ACTION NO. _____

**COMPLAINT FOR TRADEMARK INFRINGEMENT, DILUTION, UNFAIR
COMPETITION, CYBERSQUATTING, AND UNJUST ENRICHMENT**

Plaintiff General Mills IP Holdings II, LLC appearing through undersigned
counsel, states as follows:

PARTIES

1. Plaintiff General Mills IP Holdings II, LLC ("General Mills") is a Delaware
limited liability company and has a principal place of business at Number One General
Mills Blvd., Minneapolis, Minnesota 55426. General Mills IP Holdings II, LLC is a
subsidiary of General Mills, Inc. and is the owner of intellectual property, including
trademarks, for the TRIX brand.

2. On information and belief, Soyyigit Gida Sanayi ve Ticaret Anonim Sirketi
("Soyyigit Gida") is a Turkish company having a principal place of business at Kiraç

Beldsei, Çakmakli Mahallesi 3, Cadde 110, Sokak No: 3, Büyükçekmece, İstanbul, Turkey, and advertises, promotes, and sells food products in Minnesota and throughout the United States.

3. On information and belief, Soyyigit Group ("Soyyigit Group") is a Turkish company having a principal place of business at Kiraç Beldsei, Çakmakli Mahallesi 3, Cadde 110, Sokak No: 3, Büyükçekmece, İstanbul, Turkey, and advertises, promotes, and sells food products in Minnesota and throughout the United States. Soyyigit Gida and Soyyigit Group are collectively referred to herein as "Soyyigit."

4. On information and belief, International Golden Foods, Inc. ("IGF") is an Illinois corporation having a principal place of business at 819 Industrial Drive, Bensenville, Illinois 60106, and advertises, promotes, and sells food products in Minnesota and throughout the United States.

NATURE OF THIS ACTION; JURISDICTION OF THE COURT

5. This is an action for trademark infringement, dilution and unfair competition under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 *et seq.* ("Lanham Act"), and for trademark infringement, dilution, unfair competition and unjust enrichment under the common law of Minnesota and other states where the defendants are conducting their illegal activities.

6. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121, 28 U.S.C. §§ 1331 and 1338 (a) and (b), and has supplemental jurisdiction under 28 U.S.C. § 1367(a) over Plaintiff's claims under state law.

7. The matter in controversy in this action exceeds the sum or value of

\$75,000, exclusive of interest and costs, and is between citizens of different states. Accordingly, this Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

GENERAL MILLS AND ITS MARKS

8. General Mills, Inc. is one of the largest food companies in the world. By itself and through related companies, General Mills, Inc. markets some of the world's most famous brands, including BETTY CROCKER, HÄAGEN-DAZS, PILLSBURY, GREEN GIANT, OLD EL PASO, and CHEERIOS. The brand portfolio for General Mills, Inc. includes more than 100 leading brands.

9. Since 1954, General Mills, through its predecessors and affiliates, has continuously used the highly distinctive and famous TRIX trademark in connection with fruit-flavored breakfast cereal.

10. Based on an acquired registration, General Mills has priority in the TRIX trademark for cereal dating back to July 29, 1910.

11. Due to the success of TRIX cereal, General Mills has used or licensed the use of TRIX on a variety of other food products, including flavored milk, yogurt, cereal bars, fruit-flavored snacks and frozen confections. General Mills' date of first use for these products is as follows: a) flavored milk, March 2007; b) frozen novelties, March 6, 1989; c) yogurt, August 2, 1992; d) fruit-flavored snacks, January 6, 1997; and e) cereal bars, January 1, 2005.

12. General Mills has continuously used TRIX on its cereal, yogurt, and cereal bar products since the date of first use for each that is set forth above.

13. General Mills has also used TRIX in connection with frozen novelties,

fruit-flavored snacks, and flavored milk in the past five years.

14. General Mills currently uses TRIX as the primary brand name for its fruit-flavored cereal, yogurt, and cereal bars.

15. TRIX cereal and yogurt are available nationwide in a wide range of stores, including without limitation, wholesale stores such as Costco and Sam's Club, big-box retailers such as Target and Wal-Mart, regional grocery store chains, and local grocery and convenience stores. TRIX products are also sold to foodservice customers such as restaurants, hotels, schools/colleges, and other institutions.

16. General Mills uses the TRIX trademark with numerous variations and stylized designs, and in connection with a wide variety of products described herein. The TRIX trademark and all of its variations and stylized designs will be collectively referred to hereafter as the "TRIX Marks."

17. General Mills has licensed the TRIX Marks for a variety of collateral goods, including toys, magnets, clothing, lip balm, key chains, fabric, bobbleheads, greeting cards, gift wrap, watches, and flip flops. Over 500,000 of these items have been sold in the past 5 years.

18. The TRIX Marks have been primarily associated with fruit-flavored products, and packaging for TRIX products emphasizes that the products are fruit-flavored.

19. An average of over \$12 million per year was been spent on advertising TRIX cereal and yogurt products in the United States between 2003 and 2007.

20. Advertisements for TRIX products have appeared in newspapers and

magazines nationwide, in television commercials on CBS, NBC, ABC, FOX, and Nickelodeon, on popular Internet websites, in radio commercials, and in comic books distributed nationwide.

21. General Mills operates several Internet sites related to its TRIX products, including <http://www.trixyogurt.com/> and <http://www.sillyrabbit.millsberry.com/>.

22. An average of over \$175 million (over 30 million *cases*) worth of TRIX cereal and yogurt were sold each year from 2003 to 2007.

23. The TRIX Marks have become famous due to their extensive advertising, promotion and sales.

24. In addition to its substantial common law rights in its distinctive and famous TRIX Marks, General Mills also owns valid and subsisting federally registered trademarks. These include United States Trademark Registration Nos. 603,700, 1,553,126, 1,552,170, 1,581,803, 1,778,442, 1,923,941, 3,153,686, 2,678,304 and 2,962,524 (the "TRIX Registrations"). Several of these registrations are incontestable under 15 U.S.C. § 1065. True and correct copies of General Mills' certificates of trademark registration for these marks are attached hereto as Exhibits A-I.

DEFENDANTS AND THEIR ACTIVITIES

25. On June 14, 2006, Soyvigil filed Application Serial No. 79/027,780 with the United States Patent and Trademark Office to register the mark KENT BORINGER TRIX in connection with "fruit and vegetable juices, concentrates, syrups or powders used in the preparation of soft drinks, malt syrup for beverages, syrup for making lemonade, syrups for beverages, syrups for making fruit drinks, syrups for making soft

drinks; non-alcoholic fruit extracts used in the preparation of beverages; non-alcoholic beverages containing fruit and vegetable extracts; non-alcoholic beverages made of fruit in the form of powder and granules; tomato juice; non-alcoholic beverages made with cola extract; isotonic beverages" (the "Application").

26. On July 25, 2007, General Mills filed an opposition proceeding, Opposition No. 91178602, with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office to oppose registration of the Application based on its belief that it would be damaged by registration of the Application (the "Opposition Proceeding").

27. On March 14, 2008, in response to General Mills' discovery requests in the Opposition Proceeding, Soyiyigit stated that it had yet to commence use of the KENT BORINGER TRIX mark in the United States and stated that it had no documents related to any intended or actual use of the KENT BORINGER TRIX mark in the United States

28. The Opposition Proceeding is still pending and Soyiyigit has not supplemented its discovery responses.

29. General Mills has recently learned that, despite Soyiyigit's discovery responses, Soyiyigit's "Trix" powdered drink mix is available for purchase in the United States.

30. On information and belief, at least as early as the summer of 2008, Soyiyigit and IGF began selling powdered drink mix in Minnesota under the designation "Trix." Photographs of the packaging for the Trix powdered drink mix are attached as Exhibit J.

31. On information and belief, Soyiyigit has granted IGF exclusive rights to import and distribute "Trix" powdered drink mix on its behalf in the United States.

32. On information and belief, Soyuyigit manufactures "Trix" powdered drink mix with product packaging designed to be sold in the United States.

33. On information and belief, Soyuyigit and IGF sell, advertise, and promote "Trix" powdered drink mix in Minnesota and throughout the United States.

34. On information and belief, Soyuyigit chose not to disclose its use of the "Trix" powdered drink mix in the United States because it knew disclosure would strengthen General Mills' position in the opposition proceeding due to the packaging of its TRIX goods.

35. On information and belief, Soyuyigit and IGF registered the domain name TrixDrinks.com on May 5, 2007.

36. On information and belief, Soyuyigit and IGF are using a "privacy service" in connection with the trixdrinks.com domain name to hide their identities from General Mills.

37. On information and belief, Soyuyigit and IGF operate an Internet website located at www.trixdrinks.com to advertise the "Trix" powdered drink mix.

38. This website displays a logo bearing the designation "Trix Drinks." A printout from the website bearing this logo is attached as Exhibit K.

39. The "Trix" powdered drink mix, packaging associated with the "Trix" powdered drink mix, the "Trix Drinks" logo and website, and all associated uses by Soyuyigit and IGF are hereafter referred to as the "Infringing Marks."

40. Soyuyigit and IGF began their infringement of the TRIX Marks with full knowledge of General Mills' prior registration of the TRIX Registrations and prior use of

the TRIX Marks for directly competing goods. On information and belief, Soyvigitt and IGF undertook these actions with the intent of confusing consumers, so that they could trade on and receive the benefit of the goodwill built up by General Mills at great labor and expense over many years.

41. Soyvigitt and IGF do not have General Mills' permission to use the TRIX Marks.

42. The use of the Infringing Marks by Soyvigitt and IGF constitutes use of spurious marks which are identical to or substantially indistinguishable from the TRIX Registrations and TRIX Marks.

43. Soyvigitt and IGF are using the Infringing Marks in commerce in the United States, and in this District, in direct competition with General Mills.

44. Soyvigitt and IGF have used, and are currently using, the Infringing Marks in advertising and product packaging distributed in Minnesota and throughout the United States.

45. Soyvigitt and IGF began utilizing the Infringing Marks long after General Mills' began use of the TRIX Marks, and long after the TRIX Marks became famous.

**EFFECT OF DEFENDANTS' ACTIVITIES ON THE
CONSUMING PUBLIC AND/OR GENERAL MILLS**

46. The use of the Infringing Marks by Soyvigitt and IGF in the manner described above is likely to cause confusion, to cause mistake, and/or to deceive customers and potential customers of the parties, at least as to some affiliation, connection or association of Soyvigitt and IGF with General Mills, or as to the origin,

sponsorship, or approval of the goods and/or website of Soyvigit and IGF by General Mills.

47. On information and belief, use of the Infringing Marks by Soyvigit and IGF has caused consumers to suffer confusion as to some affiliation, connection or association of Soyvigit and IGF with General Mills, or as to the origin, sponsorship, or approval of the goods and/or website of Soyvigit and IGF by General Mills.

48. Use in commerce of the Infringing Marks by Soyvigit and IGF is likely to cause dilution of the distinctive quality of the TRIX Marks.

49. Use of the Infringing Marks by Soyvigit and IGF in the manner described above falsely indicates to the purchasing public that the goods and/or website of Soyvigit and IGF originate with General Mills, or are affiliated, connected or associated with General Mills, or are sponsored, endorsed, or approved by General Mills, or are in some manner related to General Mills.

50. Use of the Infringing Marks by Soyvigit and IGF in the manner described above falsely designates the origin of the goods and/or website of Soyvigit and IGF, and falsely and misleadingly describes and represents material facts with respect to the goods, websites and/or commercial activities of Soyvigit and IGF.

51. Use of the Infringing Marks by Soyvigit and IGF in the manner described above enables Soyvigit and IGF to trade on and receive the benefit of goodwill in those marks, which General Mills has built up at great labor and expense over many years. Use of the Infringing Marks by Soyvigit and IGF in the manner described above also enables Soyvigit and IGF to gain acceptance for their goods and/or website, not solely on their

own merits, but on the reputation and goodwill of General Mills and the TRIX Marks.

52. Use of the Infringing Marks by Soyycit and IGF in the manner described above unjustly enriches Soyycit and IGF at General Mills' expense.

53. Use of the Infringing Marks by Soyycit and IGF in the manner described above removes from General Mills the ability to control the nature and quality of products provided under those marks and places the valuable reputation and goodwill of General Mills in the hands of Soyycit and IGF, over whom General Mills has no control.

54. The activities of Soyycit and IGF have caused irreparable injury to General Mills and to the public and, unless restrained by this Court, will continue to cause irreparable injury to General Mills and to the public. There is no adequate remedy at law for this injury.

COUNT I: FEDERAL TRADEMARK INFRINGEMENT

55. General Mills repeats the allegations above as if fully set forth herein.

56. The acts of Soyycit and IGF complained of herein constitute infringement of federally registered TRIX Registrations in violation of 15 U.S.C. § 1114(1).

57. The actions by Soyycit and IGF described herein have been willful and in bad faith making this an exceptional case within the meaning of 15 U.S.C. § 1117(a).

58. General Mills has been damaged by the acts of Soyycit and IGF in an amount currently unknown.

COUNT II: FEDERAL COMMON LAW TRADEMARK INFRINGEMENT

59. General Mills repeats the allegations above as if fully set forth herein.

60. The acts of Soyvigitt and IGF complained of herein constitute trademark infringement of the TRIX Marks in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

61. General Mills has been damaged by the acts of Soyvigitt and IGF in an amount currently unknown.

COUNT III: FEDERAL DILUTION

62. General Mills repeats the allegations above as if fully set forth herein.

63. The acts of Soyvigitt and IGF complained of herein constitute dilution in violation of the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c), as amended.

64. General Mills has been damaged by the acts of Soyvigitt and IGF in an amount currently unknown.

COUNT IV: FEDERAL UNFAIR COMPETITION

65. General Mills repeats the allegations above as if fully set forth herein.

66. The acts of Soyvigitt and IGF complained of herein constitute unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

67. General Mills has been damaged by the acts of Soyvigitt and IGF in an amount currently unknown.

COUNT V: FEDERAL CYBERSQUATTING

68. General Mills repeats the allegations above as if fully set forth herein.

69. Soyvigitt and IGF have registered, trafficked in, and/or used the

TrixDrinks.com domain name.

70. The TrixDrinks.com domain name of Soyvigil and IGF is identical or confusingly similar to the TRIX Marks.

71. The TRIX Marks were distinctive at the time Soyvigil and IGF registered the TrixDrinks.com domain name.

72. The acts of Soyvigil and IGF complained of herein evidence their bad faith intent to profit from the TRIX Marks.

73. The acts of Soyvigil and IGF complained of herein constitute cybersquatting in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

74. General Mills has been damaged by the acts of Soyvigil and IGF in an amount currently unknown.

COUNT VI: COMMON LAW TRADEMARK INFRINGEMENT

75. General Mills repeats the allegations above as if fully set forth herein.

76. The acts of Soyvigil and IGF complained of herein constitute trademark infringement in violation of the common law of Minnesota and other states where Soyvigil and IGF are conducting its activities.

77. The actions of Soyvigil and IGF have been conducted maliciously, fraudulently, deliberately, and intentionally to divert sales from General Mills and inflict injury on General Mills.

78. General Mills has been damaged by the acts of Soyvigil and IGF in an amount currently unknown.

COUNT VII: DILUTION UNDER STATE LAW

79. General Mills repeats the allegations above as if fully set forth herein.

80. The acts of Soyvigitt and IGF complained of herein constitute dilution of General Mills' famous trademarks in violation of Minnesota's anti-dilution statute, Minn. Stat. § 333.285, and the anti-dilution laws of the other states in which Soyvigitt and IGF have committed the acts alleged above.

81. General Mills has been damaged by the acts of Soyvigitt and IGF in an amount currently unknown.

COUNT VIII: COMMON LAW UNFAIR COMPETITION

82. General Mills repeats the allegations above as if fully set forth herein.

83. The acts of Soyvigitt and IGF complained of herein constitute unfair competition in violation of the common law of Minnesota and other states where Soyvigitt and IGF are conducting their activities.

84. General Mills has been damaged by the acts of Soyvigitt and IGF in an amount currently unknown.

COUNT IX: COMMON LAW PASSING OFF

85. General Mills repeats the allegations above as if fully set forth herein.

86. The acts of Soyvigitt and IGF complained of herein constitute passing off in violation of the common law of Minnesota and other states where Soyvigitt and IGF are conducting its activities.

87. General Mills has been damaged by the acts of Soyvigitt and IGF in an

amount currently unknown.

**COUNT X: DECEPTIVE TRADE PRACTICES UNDER
THE MINNESOTA DECEPTIVE TRADE PRACTICE ACT**

88. General Mills repeats the allegations above as if fully set forth herein.

89. The acts of Soygyigit and IGF in Minnesota constitute willful and knowing deceptive trade practices, in violation of the Minnesota Deceptive Trade Practice Act, Minn. Stat. § 325D.44.

90. General Mills has been damaged by the acts of Soygyigit and IGF in an amount currently unknown.

COUNT XI: UNJUST ENRICHMENT

91. General Mills repeats the allegations above as if fully set forth herein.

92. The acts of Soygyigit and IGF complained of herein constitute unjust enrichment of Defendants at the expense of General Mills.

93. General Mills has been damaged by the acts of Soygyigit and IGF in an amount currently unknown.

PRAYER FOR RELIEF

WHEREFORE, General Mills prays for entry of judgment against Defendants as follows:

1. Soygyigit and IGF, their officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with them be preliminarily and permanently enjoined and restrained:

- (a) From using "TRIX," "KENT BORINGER TRIX," or the Infringing Marks (or any variation thereof, whether alone or in combination with any other word(s) or element(s)), or any mark, name, domain name, or other designation which depicts, contains, or consists of any name or mark confusingly similar to the TRIX Marks;
- (b) From advertising, displaying, selling, or otherwise distributing (whether in physical or electronic form), any and all advertisements, marketing or promotional materials, product packaging, signage, banners, invoices, pamphlets, leaflets, flyers and the like, as well as any goods (products, samples, and the like) containing "TRIX," "KENT BORINGER TRIX," or the Infringing Marks (or any variation thereof, whether alone or in combination with any other word(s) or element(s)), or any other mark, name, or designation;
- (c) From registering, attempting to register, or maintaining any trademark, trade name, domain name, trade designation, or other indicia of origin or source containing "TRIX," "KENT BORINGER TRIX," or the Infringing Marks (or any variation thereof, whether alone or in combination with any other word(s) or element(s)), or any mark, name, domain name, or other designation which depicts, contains, or consists of any name or mark confusingly similar to the TRIX Marks;

- (d) From committing any acts or making any statements calculated, or the reasonably foreseeable consequence of which would be, to infringe or dilute the TRIK Marks;
- (e) From committing any acts or making any statements calculated, or the reasonably foreseeable consequence of which would be, to infringe any of General Mills' trademark rights in the TRIK Marks, or to confuse, mislead, or deceive consumers as to sponsorship, approval or affiliation of General Mills by, with, or of Defendant; and
- (f) From conspiring with, aiding, assisting or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (e) above;

2. Consistent with paragraph (1)(a) above, Soyigit and IGF will remove from sale or display, and recall, any and all products, catalogs, advertisements, and any other items or goods bearing "TRIK," "KENT BORINGER TRIK," or the Infringing Marks or any word or words confusingly similar thereto. Soyigit and IGF will also submit to the Court and serve upon General Mills within 30 days after the entry and service of an injunction, a written report detailing: (1) the number of all products produced, manufactured, made, imported or distributed by or for Soyigit and IGF or under their control bearing "TRIK," "KENT BORINGER TRIK," or the Infringing Marks or any word or words confusingly similar thereto; (2) the number of such products removed and/or recalled; (3) the number of such products Defendant received in response to the removal and recall; (4) the amount of such products in inventory; and (5) the physical

location of all such products, separately identifying each product in each request (1) - (5) by product designation or product number;

3. Soyigit and IGF be required to deliver to the Court for destruction, or show proof of destruction of, any and all products, labels, signs, prints, advertisements, signage, packages, wrappers, catalogs, internet web pages, and any other materials in its possession or control bearing or depicting "TRIX," "KENT BORINGER TRIX," or the Infringing Marks, or any other mark, name, or designation that includes "TRIX" (or any variation thereof, whether alone or in combination with any other word(s) or element(s)), in connection with food products, including, without limitation, powdered drink mix.

4. Soyigit and IGF be required to within 30 days after entry and service of an injunction, submit to the Court and serve upon General Mills a list of all domain names containing a generic top-level domain or the .us country-code top-level domain incorporating "TRIX," "KENT BORINGER TRIX," or the Infringing Marks or any word or words confusingly similar thereto. Soyigit and IGF will then be required to transfer to General Mills all such identified domain names, including without limitation trixdrinks.com;

5. Soyigit and IGF be prohibited from importing any infringing goods into the United States and transporting any infringing goods in commerce for export outside the United States;

6. Soyigit and IGF be ordered to file with this Court and to serve upon General Mills within thirty (30) days after the entry and service on Soyigit and IGF of

an injunction, a report in writing and under oath setting forth in detail the manner and form in which Soyuyigit and IGF have complied with the injunction;

7. General Mills recover all damages it has sustained as a result of the activities of Soyuyigit and IGF;

8. Pursuant to 15 U.S.C. § 1117, General Mills be awarded treble damages and attorneys' fees for willful infringement;

9. An accounting be directed to determine the profits of Soyuyigit and IGF resulting from the activities complained of herein, and that such profits be paid over to General Mills, increased as the Court finds to be just under the circumstances of this case;

10. General Mills recover statutory damages pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117, which provides for awards up to \$100,000 per infringing domain name;

11. Soyuyigit and IGF be required to account for and pay over to General Mills any benefit and unjust enrichment obtained at General Mills' expense from their wrongful actions;

12. Soyuyigit Gida be ordered to withdraw its pending U.S. Application Serial No. 79/027,788 for KENT BORINGER TRIX and accept judgment in the Opposition No. 91178602 against this application;

13. General Mills be awarded its costs and fees related to this action, including but not limited to reasonable attorney fees;

14. General Mills be awarded prejudgment and post-judgment interest; and

15. General Mills be granted such other and further relief, at law or in equity,
as the Court may deem just and proper.

DATED: April 29, 2009

Respectfully submitted,

s/Laura J. Borst

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